

Senator Dworak.

SENATOR CHAMBERS: Yes, I will.

SENATOR DWORAK: Senator Chambers, throughout this act or this bill, we make different things illegal, such as, high speed pursuit of a reckless evader by ground units through heavy traffic or densely populated areas, and we are putting legal restrictions on pursuing police officers throughout all the sections of this act or many of the sections of this act where we are not in definitions, my question and what I have been unable to find is if an officer is in violation and if he does break the law as to the provisions of this act, what is the penalty?

SENATOR CHAMBERS: Senator Dworak, this bill, it caught me by surprise by coming up today but it incorporates the rules of the road which is the situation now that would control police in high speed chases so I imagine the penalties that are provided for violation of laws under the current rules of the road would obtain but the primary thrust of this bill, and it might seem somewhat contradictory, is to establish state regulation and I believe, maybe naively, that if the police agencies around the state know that certain practices are prohibited, it wouldn't be necessary to impose a criminal sanction on the officer but that the division, itself, could establish internal discipline. There would be the right of a citizen who is injured when provisions of this bill are violated to bring a civil action. So my primary aim in the bill is not a criminal sanction against the officers. For example, if they kill somebody improperly, then motor vehicle homicide, which exists now, perhaps could be filed if a prosecutor was going to prosecute at all. But innocent third parties would be given a means of obtaining some kind of compensation and one such example was where the Omaha Police sat outside a tavern in South Omaha and watched the guy that they knew had no driver's license drive his van, park, go into a tavern and come out, and when he started driving away, they chased him. In the process of being pursued, he ran into a car at an intersection and killed a teacher who had seven children. Well, now, the family of the teacher will have to follow whatever laws exist now for wrongful death and negligence or whatever might be available in the statutes. But this bill is designed to offer an easier recourse for innocent third parties who are injured as a result of these chases. So criminal sanction is not my, you know, against the officer, is not my main intention.

SENATOR DWORAK: So in effect, then, the bill holds no new penalty or no new penalty sections?

SENATOR CHAMBERS: No, it doesn't.

SENATOR DWORAK: Thank you.

SPEAKER LUEDTKE: We have several more who wish to speak and I don't think we can go into the noon hour. It is about five minutes of so, Mr. Clerk, do you have some things you want to get off the desk. I think we will proceed with the debate on this bill after lunch so go ahead.